IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4234 of 2005

Between:

M/s Gold Stone Exports Pvt. Ltd, Rep. by its authorized representative R. Subramanyam,
Office at Flat No. 406, Amarchand Sharma Complex,

S.D. Road, Secunderabad.

..... PETITIONER

AND

1 The Circle Inspector, P.S. Alwal, Ranga Reddy District.
2 The Mandal Revenue Officer, Balanagar Mandal,

Ranga Reddy District.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.1 in interfering with the activity of fencing their lands situated at Hashmathpet Village, Balanagar Mandal, Ranga Reddy District in Sy.No.7, admeasuring 6-14 guntas at the instance of the 2nd Respondent who has issued proceedings in Lr.No. B/1916/2005 dt. 28-2-2005, further declare the proceedings in Lr.No. B/1916/2005 dt. 28-2-2005, as wholly without jurisdiction in view of the judgment in W.P. No. 10605/97 dt.
26-4-1999 as confirmed in W.A.No. 2222 of 2003 dt. 11-3-2004 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : SMT.K.BINDU

Counsel for the Respondents: G.P. FOR HOME

The Court at the stage of admission made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.4234 OF 2005

ORAL ORDER:

Heard both sides.

2. It is the complaint of the learned counsel appearing for the petitioner that the land, which is owned by the petitioner, is involved in a long-drawn litigation. Ultimately, at all stages i.e., upto the stage of Supreme Court, the title of the petitioner over the subject land has been upheld. Pursuant to the final order passed by the Supreme Court, the petitioner wants to raise a fencing covering his land. But, the first respondent has been interfering with the valuable right of the petitioner by interfering frequently on the ground that the Mandal Revenue Officer, Balanagar Mandal, Ranga Reddy District, had addressed a letter, dated 28-02-2005, wherein it was allegedly mentioned that there is a litigation pending before this Court.

3. But, the learned counsel appearing for the petitioner asserts that the entire litigation has ended and the title to the subject land has been decided by the Supreme Court in favour of the petitioner. Even if there is any litigation initiated surreptitiously and indirectly, affecting

the rights of the petitioner, the same cannot have any effect. Therefore, it is contended that the reason that is being shown by the first respondent cannot be sustained.

4. This is a pure question of fact, which has to be verified from the orders or judgments passed by various Courts including this Court and the Supreme Court. If a perusal of the said orders or judgments reveal that the Supreme Court had held that the petitioner is having title to the land in question, the first respondent shall not interfere with the title or rights of the petitioner over the subject land in respect of which he had been declared as rightful owner and he shall be permitted to utilize the same in accordance with his wish and strictly in accordance with law.

5. Having regard to the facts and circumstances, suffice it to dispose of the present writ petition with a direction to the first respondent not to interfere with the property of the petitioner, since it is the dispute which appears to be as between the Mandal Revenue Officer and the petitioner only. It is further declared that the first respondent has absolutely no manner of right whatsoever to interfere with the property of the petitioner in any manner. It is only for the aggrieved person to agitate about the rights in the property, over which the petitioner claims title and ownership by virtue of various judgments, including the judgment of the Supreme Court.

6. Accordingly, the writ petition is disposed of, at the stage of admission. However, there shall be no order as to costs.

D.S.R.VARMA, J

07TH MARCH, 2005

ISN/KRK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Circle Inspector, P.S. Alwal, Ranga Reddy District.
2 The Mandal Revenue Officer, Balanagar Mandal,

Ranga Reddy District.

3) Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT).

4. Two CD copies

5. One CC to SMT.BINDU, learned counsel for the petitioner.

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

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W.P.NO.4234 OF 2005

07TH MARCH 2005